

**AN ORDINANCE OF THE CITY OF FRISCO, TEXAS, AMENDING ARTICLE II (PERMITTED USES AND DEFINITIONS), SECTION 3 (USE OF LAND AND BUILDINGS), SUBSECTION 3.03(F) (RETAIL USES) AND SUBSECTION 3.04 (CONDITIONAL DEVELOPMENT STANDARDS) OF THE COMPREHENSIVE ZONING ORDINANCE NO. 00-11-01; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.**

WHEREAS, the City Council of the City of Frisco, Texas ("City Council") has investigated and determined that Article II (Permitted Uses and Definitions), Section 3 (Use of Land and Buildings), Subsection 3.03(F) (Retail Uses) and Subsection 3.04 (Conditional Development Standards) of the City of Frisco, Texas ("Frisco") Comprehensive Zoning Ordinance No. 00-11-01 should be amended; and

WHEREAS, Frisco has complied with all notices and public hearings as required by law; and

WHEREAS, the City Council finds that it will be advantageous, beneficial and in the best interest of the citizens of Frisco to amend Frisco's Comprehensive Zoning Ordinance No. 00-11-01 as set forth below.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FRISCO, TEXAS:**

SECTION 1: Findings Incorporated. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2: Amendment to Article II (Permitted Uses and Definitions), Section 3 (Use of Land and Buildings), Subsection 3.03(F) (Retail Uses) of Frisco's Comprehensive Zoning Ordinance No. 00-11-01. Article II (Permitted Uses and Definitions), Section 3 (Use of Land and Buildings), Subsection 3.03(F) (Retail Uses) of Frisco's Comprehensive Zoning Ordinance No. 00-11-01 is hereby amended to add "40" to the row for Beer & Wine Package Sales Retail Use category under the column for the

original Town Commercial Zoning District as a use in Schedule of Uses as set forth below:

|              | RE                 | SF-1            | SF-2            | SF-3            | SF-4            | SF-5            | OT-R                      | PH         | TH        | 2F         | MF-1           | MF-2           | MH         | Section 3.03(F)<br><br>Retail Uses | O-1      | O-2      | NS                    | R      | OT-C                     | H       | C-1          | C-2          | CO               | IT                       | I          | Preston Road Overlay District |                |             |                 |                |
|--------------|--------------------|-----------------|-----------------|-----------------|-----------------|-----------------|---------------------------|------------|-----------|------------|----------------|----------------|------------|------------------------------------|----------|----------|-----------------------|--------|--------------------------|---------|--------------|--------------|------------------|--------------------------|------------|-------------------------------|----------------|-------------|-----------------|----------------|
| Agricultural | Residential Estate | Single-Family 1 | Single-Family 2 | Single-Family 3 | Single-Family 4 | Single-Family 5 | Original Town Residential | Patio Home | Town Home | Two Family | Multi-Family 1 | Multi-Family 2 | Mobil Home |                                    | Office 1 | Office 2 | Neighborhood Services | Retail | Original Town Commercial | Highway | Commercial 1 | Commercial 2 | Corporate Office | Information & Technology | Industrial | US 380 Gateway                | Rural Corridor | Main Street | Retail Corridor | SH 121 Gateway |
|              |                    |                 |                 |                 |                 |                 |                           |            |           |            |                |                |            |                                    |          |          | 31                    | 31     | 40                       | 31      | 31           | 31           |                  |                          |            |                               |                |             |                 |                |

SECTION 3: Amendment to Article II (Permitted Uses and Definitions), Section 3 (Use of Land and Buildings), Subsection 3.04 (Conditional Development Standards) of Frisco's Comprehensive Zoning Ordinance No. 00-11-01. Article II (Permitted Uses and Definitions), Section 3 (Use of Land and Buildings), Subsection 3.04 (Conditional Development Standards) of Frisco's Comprehensive Zoning Ordinance No. 00-11-01 is hereby amended to add number 40 as follows:

**“40 Beer & Wine Package Sales: (ZA07-0003)**

Beer and Wine Package Sales that derive more than seventy-five (75) percent of their gross revenue from the sale of beer and/or wine are permitted in the Original Town Commercial District (OTC) under the following conditions:

- Beer and Wine Package Sales are only permitted fronting Main Street in the OTC, between North and South County Road and the BNSF Rail Line.
- Only two (2) beer and wine package sales businesses may locate in the OTC as permitted uses.
- No more than one (1) beer and wine package sales business shall be located on any given block.”

SECTION 4: Amendment to Article II (Permitted Uses and Definitions), Section 3 (Use of Land and Buildings), Subsection 3.04 (Conditional Development Standards) of Frisco's Comprehensive Zoning Ordinance No. 00-11-01. Article II (Permitted Uses and

Definitions), Section 3 (Use of Land and Buildings), Subsection 3.04 (Conditional Development Standards) of Frisco's Comprehensive Zoning Ordinance No. 00-11-01 is hereby amended to modify number 32 as follows:

**"32. Restaurant or Cafeteria:**

Restaurants that sell alcohol shall be subject to compliance with the Texas Alcoholic Beverage Code, as it exists or may be amended, and to the following development criteria:

- a) Restaurants are permitted by specific use permit in the NS zoning district and are permitted by right in the R, OT-C, H, C-1, C-2, CO, IT, and I zoning districts. Restaurants are permitted to sell alcohol by right if the subject property was located within the City limits as of February 2, 2002. For property annexed into the City after February 2, 2002, a restaurant must obtain a specific use permit for a Private Club for the ability to sell alcohol (see Private Club regulations).
- b) A restaurant that sells alcohol shall not be located closer than three hundred (300) feet to a church and/or public hospital measured along the property lines of the street fronts from front door to front door, and in direct lines across intersections. This separation requirement does not apply to restaurants located along Main Street in the OTC District.
- c) A restaurant that sells alcohol shall not be located closer than three hundred (300) feet to a public or private school measured in a direct line from property line to property line, and in direct lines across intersections. This separation requirement does not apply to restaurants located along Main Street in the OTC District.
- d) The distance between a restaurant that sells alcohol and a private school can be increased to one thousand (1,000) feet if the City Council receives a request from the governing body of the private school to do so. This does not apply to restaurants located along Main Street in the OTC District.
- e) Restaurants that derive more than seventy-five (75) percent of their revenue from the sale of alcohol are not permitted in the NS zoning district and are permitted by specific use permit in the R, OT-C, H, C-1, C-2, CO, IT, and I zoning districts."

SECTION 5: Amendment to Article II (Permitted Uses and Definitions), Section 3 (Use of Land and Buildings), Subsection 3.04 (Conditional Development Standards) of Frisco's Comprehensive Zoning Ordinance No. 00-11-01. Article II (Permitted Uses and Definitions), Section 3 (Use of Land and Buildings), Subsection 3.04 (Conditional Development Standards) of Frisco's Comprehensive Zoning Ordinance No. 00-11-01 is hereby amended to modify number 31 as follows:

**"31. Beer & Wine Package Sales: (ZA02-0024)**

- a) Shall not be located closer than three hundred (300) feet to a church and/or public hospital measured along the property lines of the street fronts from front door to front door and in direct lines across intersections.
- b) Shall not be located closer than three hundred (300) feet to a public or private school measured in a direct line from property line to property line, and in direct lines across intersections.
- c) The distance between a Beer & Wine Package Sales Establishment and a private school can be increased to one thousand (1,000) feet if the City Council receives a request from the governing body of the private school to do so.
- d) Beer sales are not permitted in residential areas. Residential areas include properties that are zoned Neighborhood Service or a Planned Development that allows vertical mixed use developments with a residential component, because these zoning districts are part of the neighborhood(s) within which they are located.
- e) Beer & Wine Package Sales establishments that derive more than seventy-five (75) percent of their gross revenue from the sale of beer and/or wine:
  - 1. Are permitted only by Specific Use Permit in the R, H, C-1, and C-2 zoning districts;
  - 2. Shall not be located closer than one thousand five hundred (1,500) feet from another Beer & Wine Package Sales Establishment that derives more than seventy-five (75) percent of their gross revenue from the sale of beer and/or wine, measured building-to-building (or outer wall of the lease space) in a straight line;
  - 3. Shall not be located closer than eight hundred (800) feet from the building to the property line of a residential zoning district; and
  - 4. Shall not be located closer than one thousand five hundred (1,500) feet from the property line of a City park, or the property line of a property owned by a church, public hospital, public or private school, public or private college/university, rehabilitation care institution, or child or adult day care, measured in a straight line from front door of the establishment to the nearest property line of a residential zoning district, City park, church, public or private hospital, public or private school, public or private college/university, rehabilitation center, or child or adult day care."

**SECTION 6: Savings/Repealing Clause:** Frisco's Comprehensive Zoning Ordinance No. 00-11-01 shall remain in full force and effect, save and except as amended by this or any other Ordinance. All provisions of any ordinance in conflict with this Ordinance are hereby repealed, but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a

prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinance shall remain in full force and effect.

**SECTION 7: Severability:** Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. Frisco hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.

**SECTION 8: Penalty Provision.** Any person, firm, corporation or entity violating this Ordinance or any provision of Frisco's Comprehensive Zoning Ordinance No. 00-11-01, or as amended, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined a sum not exceeding Two Thousand Dollars (\$2,000.00). Each continuing day's violation under this Ordinance shall constitute a separate offense. The penal provisions imposed under this Ordinance shall not preclude Frisco from filing suit to enjoin the violation. Frisco retains all legal rights and remedies available to it pursuant to local, state and federal law.

**SECTION 9: Effective Date:** This Ordinance shall become effective from and after its adoption and publication as required by law the City Charter and by law.

**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FRISCO, TEXAS** on this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

  
\_\_\_\_\_  
E. MICHAEL SIMPSON, Mayor

ATTESTED TO AND  
CORRECTLY RECORDED BY:

APPROVED AS TO FORM:

*Nan Parker*

NAN PARKER  
City Secretary



*Rebecca Brewer*

ABERNATHY, ROEDER, BOYD & JOPLIN, P.C.  
REBECCA BREWER  
City Attorneys

Dates of Publication: February 08 & 15, 2008, Frisco Enterprise